THE HON'BLE Mr. JUSTICE N.V. RAMANA

Writ Petition No.21697 of 1996

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Dated: February 1, 2006

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Between:

Ponnada Korlaiah, S/o. Sathayya,

Hindu, aged 35 years, Ex. R.T.C. Driver,

R/o. Srikakulam, Srikakulam District.

… Petitioner

And

The Chairman & Managing Director,

Andhra Pradesh State Road Transport

Corporation, (APSRTC., Musheerabad,

Hyderabad, and another.

… Respondents

Order:

Petitioner seeks Mandamus declaring the show cause notice No.E1/P1/684(6)/94-RM SKIM dated 04-01-1996 issued by the second respondent as illegal, and for a direction to the respondents to appoint him in service with all consequential benefits.

2. Petitioner, who was appointed as Driver in the respondent-Corporation in the year 1987, was suspended from service on 06-03-1991 on the ground that he had produced non-genuine school certificate at the time of recruitment. Thereafter, an enquiry was conducted, in which the petitioner was found guilty and a show cause notice of disengagement was issued to him. Subsequently, the petitioner is said to have preferred an appeal to the Divisional Manager, Srikakulam, requesting to reinstate him into service, which by order dated
27-06-1992, was rejected. Assailing the said order, the petitioner raised an industrial dispute before the Industrial Tribunal-cum-Labour Court, Visakhapatnam, and the same by order dated 10-08-1995 was dismissed.

3. Petitioner states that he was selected in the selections conducted by the respondent-Corporation for the post of Drivers and was kept in the panel of Drivers. While so, Respondent No.2 issued a show cause notice dated 04-01-1996, stating that the petitioner did not mention in the application submitted by him for the post of Driver, that he was removed from service while he was working at Tekkali depot, and he was asked to show cause as to why his name should not be deleted from the panel of Drivers in Srikakulam region, and was also asked to submit his explanation within seven days from the date of receipt of that notice, failing which, it would be assumed that he has no explanation to offer.

3. This Court by order dated 11-10-1996 in W.P.M.P.No.26804 of 1996 stayed all further proceedings in pursuance of the show cause notice dated 04-01-1996 and subsequently, by order dated 27-06-1997 in W.V.M.P.No.645 of 1997, the stay was vacated stating that the petitioner suppressed the fact that earlier he had worked as Driver and was removed from service on the ground of production of fake certificates.

4. The impugned order is merely a show cause notice dated
04-01-1996 issued to the petitioner calling upon him to show cause as to why he did not mention in the application submitted for the post of Driver that he was removed from service while he was working at Tekkali depot, and he was asked to show

cause as to why his name should not be deleted from the panel of Drivers in Srikakulam region, and was also asked to submit his explanation within seven days from the date of receipt of that notice, failing which, it would be assumed that he has no explanation to offer. Though the petitioner obtained interim stay of the impugned order, the same was subsequently vacated, and it is not known whether the petitioner submitted his explanation thereto or not. Be that as it may, the law is well settled law that no writ petition is maintainable against a show cause notice. This Court in **K.M. Safiullah V. A.P. State Wakf Board** held that the writ Court would not ordinarily interfere at the stage of show cause notice for it favours the quasi-judicial authority vested with the power to exercise and discharge its statutory functions, with a free hand, independent from outside control. When a statutory authority issues a show cause notice, the recipient of the show cause notice has ample opportunity to approach the quasi-judicial authority to place his/her case before such authority that will decide in accordance with law. If any order passed by the quasi-judicial authority goes against the person, it is always open to such person to avail the remedy of appeal and then approach this Court under Article 226 of the Constitution, if it is permissible under law. A writ petition against a show cause notice is, ordinarily, not maintainable.

6. In the above view of the matter, the writ petition is devoid of merit, and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

February 1, 2006

MRR